

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DONNA FANTONI

v.

CA 07-005 ML

MICHAEL J. ASTRUE,
COMMISSIONER, SOCIAL
SECURITY ADMINISTRATION

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's objections to a Report and Recommendation issued by Magistrate Judge Martin on September 19, 2008. Plaintiff makes one specific objection (the Magistrate Judge's finding that the ALJ complied with orders from this Court and the Appeals Council) and a general objection to "any and all findings of fact contained in the Magistrate's [sic] R&R." Plaintiff's Objection, p.1. (Doc. #16) Defendant has filed a Response to Plaintiff's Objection. Defendant urges this Court to adopt the Report and Recommendation and affirm the decision of the Commissioner.

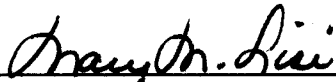
This Court has reviewed the Report and Recommendation, Plaintiff's Objection, and Defendant's Response. First, the Court notes that Plaintiff attempts to object to "any and all findings of fact." This broad assertion fails to meet the specificity requirement of Fed. R. Civ. P. 72(b) and DRI LR Cv 72(d). This Court, therefore, need not address that portion of Plaintiff's Objection.

Plaintiff does make one specific claim with respect to the ALJ's efforts to comply with orders from this Court on remand and the Appeal Council. Magistrate Judge

Martin, however, details the evidence received and considered by the ALJ and concludes that he did, in fact, obtain testimony from a medical expert concerning functional limitations and he did take into consideration the opinions of the state agency psychologist.

This Court therefore finds that Plaintiff's objections have no merit. The Report and Recommendation is adopted in its entirety. The Defendant's Motion to Affirm is GRANTED. Plaintiff's Motion for Summary Judgment is DENIED.

SO ORDERED:

A handwritten signature in cursive script, reading "Mary M. Lisi", is written over a horizontal line.

Mary M. Lisi
Chief United States District Judge
October 23, 2008